

this issue until this past weekend had been cursory, half-hearted, and deeply disappointing to those of us who expected a serious, thorough reexamination of this issue.

One hopes that an administration that portrays itself as a global leader on issues of humanitarian law and arms control recognizes this is an opportunity.

A serious review should begin by examining the extensive history of the negotiations that led to the treaty, and the technical issues that were debated and addressed.

It should involve consulting our allies, like Great Britain and Canada, whose militaries have operated in accordance with the treaty's obligations for a decade, including with our forces in Iraq and Afghanistan, to determine what their experience has been.

It should involve consulting with the Pentagon, of course, but also with retired senior U.S. military officers and diplomats, many of whom have expressed support for the treaty.

It should involve consulting with Members of Congress, and with the humanitarian and arms control communities who have extensive expertise on all aspects of the treaty and its implementation.

Unfortunately, none of these obvious steps was taken. Instead, an opaque process involving limited consultations with the Pentagon simply resulted in a regurgitation of the Bush administration's talking points.

That is not what we expected of this administration, and I welcome the announcement that a comprehensive review will be carried out.

The United States has not exported anti-personnel mines since 1992.

We have not produced anti-personnel mines since 1997.

And the United States has not used anti-personnel mines since 1991—when many of them malfunctioned.

In effect, we have been in de facto compliance with the treaty for 18 years, with the exception of not yet destroying our stockpile of mines.

And in the interim we have invested millions of dollars to develop alternatives to indiscriminate landmines, to replace them with munitions that include man-in-the-loop technology, so they are not victim-activated.

Indiscriminate landmines, whether persistent mines or those that are designed to self-destruct or deactivate, are nothing more than booby traps. They cannot distinguish between an enemy combatant, a U.S. soldier, a young child, or a woman out collecting firewood. They do not belong in the arsenal of any modern military.

I have supported President Obama and I look forward to supporting him on many issues in the future. I believe this can be one of those issues.

I am confident that after a proper review is conducted, and the President considers the equities, he will conclude, as our allies have, that the humanitarian benefits of banning anti-

personnel landmines far exceed their limited military utility. Ultimately, this is a decision President Obama will need to make himself, as President Wilson did almost a century ago.

I want to commend the Government of Colombia, a country where landmines have taken and continue to take a terrible toll on civilians, for hosting the review conference. Colombia joined the treaty years ago.

I also appreciate that the State Department has sent a team of observers to Cartagena. I hope they use this opportunity not only to highlight the hundreds of millions of dollars the U.S. has provided for humanitarian demining and assistance for mine victims over the years, but also to learn from the delegations of countries that are parties to the treaty.

I want to pay tribute to the leadership of Canada, and my friend Lloyd Axworthy, who as Foreign Minister showed the extraordinary vision and leadership that culminated in the Mine Ban Treaty, and to the other nations that have joined since then.

The treaty has already exceeded the expectations of even its strongest advocates. The number of mine casualties has decreased significantly. The number of countries producing and exporting mines has plummeted.

And at the same time, none of the arguments of the treaty's naysayers have come to pass.

The United States is the most powerful nation on Earth. We don't need these indiscriminate weapons any more than our allies who have abandoned them.

We have not used landmines for many years. We should be leading this effort, not sitting on the sidelines.

It is time for the United States to join the right side of history.

#### ANTI-KLEPTOCRACY

Mr. LEAHY. Mr. President, on November 16, 2009, the New York Times published an article entitled "A U.S. Visa, Shouts of Corruption, Barrels of Oil," that describes corruption in Equatorial Guinea, which is a major oil producing country. Specifically, the article highlights the comings and goings of Teodoro Obiang, son of Equatorial Guinea's President, who is also the country's agriculture minister.

Mr. Obiang has been a regular traveler to southern California, where he owns an estate reportedly worth some \$35 million. He also, according to the article, owns a private jet and various luxury automobiles.

How, one might ask, did he acquire such extraordinary wealth, in a country where many children die before the age of 5? Perhaps he is an exceptionally talented businessman, as Equatorial Guinea's Washington lobbyists have suggested, who, when he isn't running the agriculture ministry on a modest government salary, is earning huge profits that can be legitimately explained. It is fair to say that at least,

and probably more, likely is that he has used his family connections to steer a portion of the country's oil revenues into his own pockets.

Mr. Obiang's case is not unique. To the contrary, it is a common practice in countries where the extraction of natural resources—whether oil, gas, timber, or minerals—is the primary source of income. From Angola to Kazakhstan, government officials and their families have abused their power and influence to enrich themselves by siphoning off a portion of the proceeds of the revenues from concessions and leases for the extraction of natural resources, and from the sale of the crude oil or raw timber or minerals.

Billions of dollars that could otherwise have been used to meet the basic needs of the people in these countries—health and education—have instead gone into foreign bank accounts, including in the United States. The beneficiaries have enjoyed lives of comfort and privilege, while their people live in squalor.

The land where oil is drilled, or where gold, cobalt, columbite-tantalite, and other valuable minerals are mined, or where the forest is cut down, is often left in ruins. Soil and water poisoned by oil spills and other toxic chemicals, and drought from deforestation, is left for those who have nowhere else to live, and for future generations.

It is often also the revenues from the exploitation of natural resources that fund the purchase of weapons that fuel civil wars over control of those same resources in these countries. The protracted conflict in the eastern region of the Democratic Republic of the Congo, where thousands of civilians, and particularly women and girls, have been brutalized, is a prime example.

Those who have protested this type of corruption, environmental destruction and waste, and exposed the theft by government officials of income from natural resources that is rightfully owed to the people of these countries, have often been harassed, arrested, tortured, and even killed. I remember Ken Saro-Wiwa, who courageously led peaceful protests against the environmental devastation caused by oil spills and gas flaring in Nigeria's delta region. He was ultimately hanged, despite last minute appeals from people around the world, by the corrupt and cruel dictator Sani Abacha. That was in 1995, but the corruption, waste, and abuses continue today in countries where too often the rule of law does not apply to those in power.

In 2004, President Bush issued Presidential Proclamation 7750, which suspended entry to the U.S. of current and former public officials whose corrupt acts have or had serious adverse effects on the national interests of the United States.

In 2007, I included a similar but more targeted provision in the State and Foreign Operations Appropriations Act, currently section 7086 of Public

Law 111-8, which requires the Secretary of State to deny admission to the United States to any foreign government official and their immediate family members who the Secretary has credible evidence have been involved in corruption related to the extraction of natural resources.

The purpose of the law is clear: If you, as a government official or a member of your immediate family, are involved in the corrupt exploitation of natural resources, you are not welcome in the United States.

Unfortunately, despite, I believe, well-intentioned people at the State Department who support the goals of the law, it has not been applied as vigorously as it could and should be.

They do not have the resources to conduct their own investigations, so they rely on other agencies like the Departments of Justice and Homeland Security, which do not always share information and have their own standards of proof. The fact that someone like Mr. Obiang is traveling freely to and from the United States, I believe makes a mockery of the law.

This is not a partisan issue. Senators of both parties have spoken out about the corrosive effects of corruption. We saw the effects of it in our own assistance program in Iraq, where no-bid contracts and lax oversight resulted in enormous fraud and waste of taxpayer funds, and we are witnessing the effects of rampant corruption in the Afghan Government.

It is overdue for the State Department to apply section 7086 with the vigor that Congress intended. It is about promoting good governance, the rule of law, the sustainable use of natural resources, and stopping the squandering of revenues from the extraction of those resources that are urgently needed to help reduce poverty. It is time to apply the law in a manner that resonates far and wide in support of each of those goals.

#### ELIMINATING THE TERROR GAP

Mr. LEVIN. Mr. President, in the aftermath of the shootings at Fort Hood, TX, law enforcement officials and policymakers continue to piece together the string of events that preceded this tragedy. Although investigations of the shootings are in the early stages, a number of troubling details have already come to light. In December 2008, Major Hasan became the subject of a Joint Terrorism Task Force, JTTF, investigation after intelligence agencies intercepted his e-mail communication with a known radical cleric, Anwar al-Awlaki. After reviewing the e-mails and concluding that Major Hasan was not engaged in terrorist activities, the JTTF investigator and supervisor did not share the information regarding Major Hasan, and he was not placed on a terrorist watch list. While the lack of information sharing between the JTTF and other agencies is problematic, it is just as alarming to

see that the Federal Government would have been unable to prohibit Major Hasan's firearm purchase even if he had been flagged on a terrorist watch list. Again, even if a gun background check had revealed that Major Hasan was on a terrorist watch list, nothing in current law could have prohibited the firearm transfer unless he fell into another disqualifying category. In other words, being on a terrorist watch list does not prevent someone from purchasing a gun.

This "terror gap" in Federal law that prevents the Federal Government from stopping the sale of firearms or explosives to a known or suspected terrorist must be eliminated. To close this loophole, I support S.1317, the Denying Firearms and Explosives to Dangerous Terrorists Act, which was introduced by Senator FRANK LAUTENBERG, D-NJ. I am a cosponsor of this common-sense legislation because it would authorize the Attorney General to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or suspected terrorist and the Attorney General has a reasonable belief that the purchaser may use the firearm in connection with terrorism. To protect the rights of American citizens, this bill would direct the Attorney General to issue guidelines describing when the authority to deny gun purchases could be used, and it would protect the private information contained in the terrorist watch lists. This legislation also includes due-process safeguards that would allow any individual whose firearms or explosives license application has been denied to bring legal action to challenge the denial.

I have long supported sensible gun safety laws and strict enforcement of those laws to help stem the tide of crimes committed with firearms. I believe Congress can and should pursue legislative solutions to prevent gun violence, and that includes passing legislation that eliminates the "terror gap."

#### BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, I rise to talk about a great success story that not a lot of people have heard about. It is the story of a program that's helping create jobs and solve a lot of problems at the same time. It is the story of Build America Bonds.

These bonds came about from a piece of legislation I introduced last year as a way to shore up our Nation's crumbling infrastructure, and, at the same time, put people back to work.

In my home State of Oregon, infrastructure projects have proven to be an economic engine. People get back to work building a bridge, for example, and all the businesses near the construction site get more activity from the people who need their services. Then, once the project is finished, private investment follows that public investment. That bridge makes it easier

for folks to get to work or take their kids to school, and communities grow.

Now, when I initially proposed Build America Bonds, I thought they would sell \$10 billion worth, but the most recent report on the bonds has shown they are selling like hotcakes. Build America Bonds dollars are flowing into local communities, creating jobs and helping to strengthen America's infrastructure.

To date more than \$50 billion worth of these innovative bonds have funded hundreds of projects in 38 States: fixing our roads and bridges, rebuilding our schools, and upgrading our utilities.

For example, in Oregon's Dayton School District they have already used Build America Bonds to employ up to 150 people building and remodeling classrooms. By using Build America Bonds, the school district saved an estimated \$1.2 million in interest costs.

The city of De Pere, WI, was able to use Build America Bonds and lower its financing cost by 2.3 percent, allowing it to move forward with plans to upgrade roads, sewers, and buildings. The city's finance director, Joseph G. Zegers, told Business Week magazine that without Build America Bonds, "some projects might not be done," and "There would be less employment."

Recently, the CBO highlighted other benefits from Build America Bonds. In an October report, the CBO found that tax-credit bonds, like Build America Bonds, can be more cost-effective than tax-exempt bonds. The report also concluded that because these bonds are more attractive to investors they are more efficient at raising capital.

Not only are these funds being raised efficiently, they are being put to work quickly. Due to Federal spending guidelines, all bond funds must be spent within 2 years of the bond being issued. This means that money is not only flowing into projects, it is being spent in the short term, funding projects and putting people back to work with little delay.

Before these bonds started being issued, the market for normal municipal bonds was frozen. It was very hard to sell municipal bonds, but that didn't mean the need for financing infrastructure wasn't still there.

Build America Bonds have changed that.

These bonds provide the option of a tax credit to investors or Federal subsidy to issuers of 35 percent of the interest earned over the life of the bond. This has proven to be a strong incentive and opened up new markets for State and local governments, giving financiers a new and profitable opportunity to invest in America.

Build America Bonds have also gained support from the private sector, including the Chamber of Commerce and the National Association of Manufacturers.

While this program has given local governments a powerful new tool in fighting the recession, time is running